

## PATENT COOPERATION TREATY

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PCTINTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference  04P400146		<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No.  PCT/CN2004/000803	International filing date ( <i>day/month/year</i> )  13.Jul.2004(13.07.04)		Priority date ( <i>day/month/year</i> )  16.Jan.2004(16.01.04)
International Patent Classification (IPC) or national classification and IPC  IPC <sup>7</sup> :A61K9/127,38/21,A61P31/12			
<b>Applicant</b>  SHENZHEN NEPTUNUS INTERLONG BIO-TECHNIQUE HOLDINGS CO.,LTD. et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 1 sheets, as follows:  <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).  <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the report</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>			
Date of submission of the demand  06.Apr.2005(06.04.2005)	Date of completion of this report  19.Apr.2005(19.04.2005)		
Name and mailing address of the IPEA/CN  The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, 100088, China Facsimile No. 86-10-62019451	Authorized officer  Telephone No. 86-10-62085232		

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000803**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on:
- the international application in the language in which it was filed  
 a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:  
 international search (Rules 12.3(a) and 23.1(b))  
 publication of the international application (Rule 12.4(a))  
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished  
 the description:  
 pages 1-12 \_\_\_\_\_ as originally filed/furnished  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:  
 pages 2 \_\_\_\_\_ as originally filed/furnished  
 pages \* \_\_\_\_\_ as amended (together with any statement)under Article 19  
 pages \* 1 \_\_\_\_\_ received by this Authority on 06.Apr.2005(06.04.2005)  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:  
 pages \_\_\_\_\_ as originally filed/furnished  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
- the description, pages \_\_\_\_\_  
 the claims, Nos. 2 \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superceded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000803**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement:

Novelty (N)	Claims 1-11	YES
	Claims _____	NO
Inventive step (IS)	Claims 4-11	YES
	Claims 1-3	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims _____	NO

## 2. Citations and explanations (Rule 70.7)

- 1).The application claims a cream that contains interferon liposome.  
 2).The closest document in the international search report is as follows:

D1: US5853755A(PHARMADERM LABORATORIES LTD.)

D1 disclosed a dermal formulation containing interferon liposome such as cream(for example. see the column 7, lines 4-10),wherein the membrance material was composed of phospholipid and the like. The amounts of the active ingredient between claim 1and D1 are different, but on the basis of D1, it is obvious for the skilled person in the art to obtain the claims 1-3 with the aid of knowledge in the art. Therefore, claims 1-3 meet the requirement of Art.33(2), but they lack the inventive step of Art.33(3.)

3).D1 gave the instruction that interferon could be formulated into liposome for dermal use and some embodiments, but it didn't give the same embodiments as claims 4-11 or the suggestion of them, and claims 4-11 therefore meet the requirement of novelty of Art.33(2) and that of inventive step of Art.33(3).

4).Claims 1-11 can be easily carried out in the pharmaceutical industry, thus they meet the requirement of in industrial applicability of Art.33(4).